

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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EDDIE JAMES LEE, SR.,

Plaintiff,

vs

9:04-CV-351

B. PETERS, Dorm Officer,

Defendants.

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APPEARANCES:

OF COUNSEL:

EDDIE JAMES LEE, SR.  
94-B-0823  
Cayuga Correctional facility  
P.O. Box 1186  
Moravia, NY 13118

HON. ELIOT SPITZER  
Attorney General of the  
State of New York  
Attorney for Defendant  
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Albany, New York 12224

NANCY G. GROENWEGEN, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**ORDER**

Plaintiff, Eddie James Lee, Sr., brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated August 31, 2005, the Honorable David R. Homer, United States Magistrate Judge, recommended, that defendant Peters motion for summary judgment be granted. The plaintiff has filed timely objections to the recommendations of the Magistrate Judge.

Based upon a de novo determination of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1).

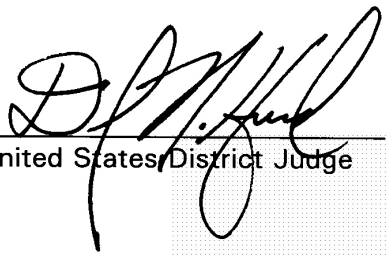
Accordingly, it is

ORDERED that the defendant B. Peter's motion for summary judgment is GRANTED.

The Clerk is directed to file judgment accordingly.

IT IS SO ORDERED.

Dated: January 9, 2006  
Utica, New York.

  
United States District Judge